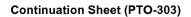
Advisory Action Before the Filing of an Appeal Brief

KA ET AL.

	MARC A. PATTERSON	1794	
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress
THE REPLY FILED 17 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apper for Continued Examination (RCE) in compliance with 37 C periods:	the same day as filing a Notice of A replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
a) The period for reply expires <u>3</u> months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(dvisory Action, or (2) the date set forth in ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	tension and the corresponding amount of shortened statutory period for reply origing than three months after the mailing date	of the fee. The appropria nally set in the final Office	ate extension fee e action; or (2) as
 The Notice of Appeal was filed on <u>17 September 2009</u>. A the date of filing the Notice of Appeal (37 CFR 41.37(a)), appeal. Since a Notice of Appeal has been filed, any reply AMENDMENTS 	or any extension thereof (37 CFR 4	1.37(e)), to avoid disr	nissal of the
3. The proposed amendment(s) filed after a final rejection, to (a) They raise new issues that would require further core	nsideration and/or search (see NOT	will <u>not</u> be entered be E below);	cause
 (b) ☐ They raise the issue of new matter (see NOTE belo (c) ☐ They are not deemed to place the application in bet appeal; and/or 	•	ducing or simplifying tl	ne issues for
(d) They present additional claims without canceling a converse NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally reje	ected claims.	
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):			
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is prove The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>28-63</u> .		l be entered and an e:	xplanation of
Claim(s) withdrawn from consideration: <u>none</u> . AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appea and was not earlier presented. Se	ıl and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a).
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after er	ntry is below or attach	ed.
11. The request for reconsideration has been considered bu		condition for allowan	ce because:
12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☒ Other: <u>See attached</u>.	(PTO/SB/08) Paper No(s)		
	/Marc A Patterson/ Primary Examiner, Art U	nit 1794	



Application No.